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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DOAN, KIET M	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,536	SCHWALBACH, PETER	
	Examiner	Art Unit	
	Kiet Doan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is response to Remarks file on 10/24/2006.

The office conducted and suggestion was made to applicant's Rep. Mark Pratt on 12/29/2006 to help expedite application. However the suggestion was denial on 01/04/07. Therefore this action is made FINAL.

Response to Arguments

Applicant's arguments filed 10/24/2006 have been fully considered but they are not persuasive.

In response to applicant's argument in claims 1 and similar recited limitation in claim 21 that reference fails to teach or suggest "a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network";

"a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device".

Examiner respectfully disagrees, in Miller (Patent No. 6,535,911) teaches "a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network (C4, L48-67, C5, L1-34, Fig.1 Illustrate computer No.155 contain processor No.160 which performing at least one telecommunication activity such as communicated with server computer No.105 for setting up download file, retrieving/sending information).

Krishnan (Patent No. 6,075,863) teaches "a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device" (Abstract, C2, L32-65, C4, L62-67, C5, L1-10, Fig.1, Illustrate control modem (10) which contain processor controller (18) as read on control data processor wherein automatically executing at least one control instruction sequence stored in the telecommunication module such as (20) and (22), the examiner interpreted processor controller No.18 as "control data processor" wherein contain storage program for controlling operation of modem 10. Further, the modem contain telephone jack 26 for connecting the control data processor to an external electronic device, since external

electronic device is broad tern and can be any electronic device which have connector to connecting to modem such as telephone jack connector 14).

Therefore, examiner interpreted "a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network";

"a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device" as broadest reasonable interpretation and it is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 15, 17, 21-22, 24-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Krishnan et al. (Patent No. 6,075,863).

Consider **claim 15**, Miller teaches a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), comprising:

a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor No.160 which read on data processor wherein performing at least one telecommunication activity). Miller teaches the limitation of claim as discuss **but silent on** a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device.

In an analogous art, Krishnan teaches "Intelligent communication device". Further, **Krishnan teaches** a control data processor that is logically separated from the

system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated and

a connector for further connecting the control data processor to an external electronic device (Abstract, C2, L32-65, C4, L62-67, C5, L1-10, Fig.1, Illustrate control modem (10) which contain processor controller (18) as read on control data processor wherein automatically executing at least one control instruction sequence stored in the telecommunication module such as (20) and (22)).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller and Krishnan system, such that telecommunication module comprising a system data processor for performing at least one telecommunication activity and a control data processor that is logically separated from the system data processor, said control data processor automatically executing at least one control instruction sequence stored in the telecommunication module to provide means for controlling and assisting other device in interpreting data and executing programs that embedded in the data stream and relatively secure inter computer data communication.

Consider **claim 21**, Miller teaches a method for controlling a telecommunication module directly connected to a wireless mobile communication network (Fig.1, Illustrate

network interface No.149 means as telecommunication module directly connected to a wireless mobile communication network No.148), the method comprising:

providing that the telecommunication module include a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being exclusively limited to at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection with the wireless mobile communication network (C4, L48-67, C5, L1-20, Fig.1, Illustrate processor No.160 which read on data processor wherein performing at least one telecommunication activity).

Krishnan teaches providing that the telecommunication module include a control data processor (Fig.1, No.(18));

providing that the telecommunication module include a first connector for connecting the telecommunication module to an external electronic device (Fig.1, Illustrate port No.(16) such as connecting the telecommunication module to an external electronic device No.(12));

providing that the telecommunication module include a second connector for connecting the control data processor to the system data processor (Fig.1, No. (16) as second connector wherein connect control data processor No.118 to host computer which read on system data processor No.(12));

storing at least one control instruction sequence in the telecommunication module; and automatically executing the at least one control instruction sequence stored in the telecommunication module such that the at least one control instruction

sequence initiates the at least one telecommunication activity of the system data processor (C2, L55-67, C3, L1-9, Fig.1, Illustrate No.(20) and No.(22) as storing and automatically executing at least one control instruction sequence in the telecommunication module).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller and Krishnan system, such that controlling a telecommunication module directly connected to a wireless mobile communication network contain a first connector for connecting the telecommunication module to an external electronic device and a second connector for connecting the control data processor to the system data processor wherein storing and automatically executing at least one control instruction sequence in the telecommunication module to provide means for controlling and assisting other device in interpreting data and executing programs that embedded in the data stream and relatively secure inter computer data communication.

Consider **claim 17**, Krishnan teaches a telecommunication module as claimed in claim 15, wherein the control data processor includes a storage part for storing the at least one control instruction sequence and an execution part for executing the at least one control instruction sequence (C2, L55-60, Fig.1, teach processor (18) as control data processor which contain memory storing data on No.20, No.22).

Consider **claims 20 and 26**, Krishnan teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector (C3, L25-35, C4, L62-67, C5, L1-10 teach host computer No.12 as external electronic device and can be modified and deleted).

Consider **claim 22,** Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein for the automatic execution of the at least control instruction sequence, at least one AT control command is transmitted from the control data processor via the second connector to the system data processor (C2, L32-43 teach control modem No.10 couple to computer wherein general such as at least one AT control command).

Consider **claims 24 and 25.** Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the data is transferred from the control data processor via the first connector to the external electronic device (Fig.1, Illustrate port No.(16) such as connecting the telecommunication module to an external electronic device No.(12) and processor No.18 as instruction for controlling).

Consider **claim 27.** Krishnan teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the automatic execution of the at least one control instruction sequence is initiated by at least one of the external

electronic device and establishment of a connection from the telecommunication module to a power supply device (C4, L62-67, C5, L1-10, Fig.1, Illustrate the external electronic device No.12 and establishment of a connection No.16 from the telecommunication which inherently contain power supply device).

Consider **claim 28**, Miller teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the at least one control instruction sequence is implemented such that one particular control instruction sequence is repeated at least once (Fig.1, Illustrate processor No.18 as control instruction wherein sequence is repeated at least once).

Consider **claim 29**, Miller teaches a method for controlling a telecommunication module as claimed in claim 28, wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed (C5, L5-20, Fig.1, Illustrate module No.170 as wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed).

2. Claims 16, 18-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (Patent No. 6,535,911) in view of Krishnan et al. (Patent No. 6,075,863) and further view of Lueh (Pub. No. 2002/0144240).

Consider **claims 16 and 23**, Miller and Krishnan teach the limitation of claim as

discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction.

In an analogous art, Lueh teaches "Method and system of controlling dynamically compiled native code size". Further, Lueh teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction (Page 1, Paragraph [0003], Page3, Paragraphs [0026-0027]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Miller, Krishnan and Lueh system, such that control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction, to provide means for flexibility operating.

Consider **claims 18-19**, Lueh teaches a telecommunication module as claimed in claim 17, wherein the execution part executes at least one of Java instructions and BASIC instructions (Page 1, paragraph [0003]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kiet Doan
Patent Examiner

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER